

# EXHIBIT 4

**From:** [Johan Conrod](#)  
**To:** [Harvey, Patrick A.](#); [Joanne Cicala](#); [kpearson@csglaw.com](#); [mbeck@csglaw.com](#)  
**Cc:** [adeprospo@wc.com](#); [Andrew Yaphé](#); [Barnaby, Kelley](#); [Bauer, Amie Marie](#); [bboogle@levinlaw.com](#); [Bejan, Daria K.](#); [Benjamin Widlanski](#); [Boone, Brian](#); [Brandon Sadowsky](#); [Brown, Liz Broadway](#); [cbarrett@nealharwell.com](#); [Compton, Meredith L.](#); [Cowan, Clint](#); [csinger@wc.com](#); [Daniel Dockery](#); [david.toscano@davispolk.com](#); [dbuchanan@seegerweiss.com](#); [Dianne M Nast](#); [Donald Ecklund](#); [ebertran@armaslaw.com](#); [emainiqi@wc.com](#); [Fassih, Elizabeth S.](#); [Feld, Jason Adam](#); [Harmanis, Ryan](#); [Harvey, Patrick A.](#); [Hogg, Ian](#); [Horan, Theresa](#); [Cederoth](#); [James Cecchi](#); [Janpaul Portal](#); [Jonathan F. Neumann](#); [Joseph H. Meltzer](#); [Josh Podoll](#); [jtortorella@khmarino.com](#); [Karen Halbert](#); [Katelyn O'Reilly](#); [Kevin Cooper](#); [Kiessling, Joseph J.](#); [kpoteat@wc.com](#); [Lauren Malakoff](#); [Lawrence Deas](#); [lding@wc.com](#); [Levy, Lindsey](#); [Liza Walsh](#); [Mark Vazquez](#); [Martin, Theresa C.](#); [Matthew Gately](#); [Mike Roberts](#); [mpifko@baronbudd.com](#); [myeates@ktmc.com](#); [Neal Potischman](#); [Optum Insulin Team](#); [Patterson, Melissa L.](#); [rouhandeh@davispolk.com](#); [ryan.moorman@kirkland.com](#); [sam.rose@kirkland.com](#); [Scherr, Jason R.](#); [sdaroci@seegerweiss.com](#); [Sterling Cluff](#); [Tanya Ellis](#); [trafferty@levinlaw.com](#); [Trey Watkins](#); [tscrivo@oslaw.com](#); [Vaky, Katherine A.](#); [Walling, Kate](#); [Watral, Diana M.](#); [Young Yu](#)  
**Subject:** Re: Compass Lexecon Subpoena: In re: Insulin Pricing Litigation, 2:23-md-03080 (D.N.J.)  
**Date:** Monday, December 16, 2024 2:48:31 PM  
**Attachments:** [image001.png](#)  
[Diabetes Medication NDCs.xlsx](#)

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PBM Counsel,

Responding to the communication below, and including Compass Lexecon counsel for notice purposes: Defendants' privilege claims and other objections related to Plaintiffs' subpoena to Compass Lexecon are untimely and unsupported. At a minimum, Compass Lexecon should immediately produce relevant data responsive to the subpoena while the parties meet and confer on Defendants' objections.

Specifically, Request 1 asks for all Documents and data that Compass Lexecon collected, received, reviewed, or relied on in connection with the Carlton Report. The PBM Defendants provided to Compass Lexecon (at least) "data on approximately 20 billion 30-day equivalent prescriptions representing more than a trillion dollars in drug expenditures . . ." **We request that Compass**

**Lexecon immediately produce all such data related to the Diabetes Medications at issue in MDL**

**No. 3080 (NDCs listed in attached).** This data clearly is not privileged and the burden associated with its production would be minimal given that the data has already been compiled and produced. Please let us know if you agree with this request. In addition, please provide dates/times of availability Wednesday or later of this week for the PBM Defendants and Compass Lexecon to meet and confer on the subpoena.

Plaintiffs reserve all rights related to all requests in the subpoena.

-Johan

Johan Conrod



office: [512.275.6550](#)

mobile: [757.286.8299](#)

[johan@cicalapllc.com](#)

[cicalapllc.com](#)

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**From:** Harvey, Patrick A.

**Date:** Friday, November 22, 2024 at 3:58 PM

**To:** Joanne Cicala

**Cc:** adeprospo@wc.com , Andrew Yaphe , Barnaby, Kelley , Bauer, Amie Marie , bbogle@levinlaw.com , Bejan, Daria K. , Benjamin Widlanski , Boone, Brian , Brandon Sadowsky , Brown, Liz Broadway , cbarrett@nealharwell.com , Compton, Meredith L. , Cowan, Clint , csinger@wc.com , Daniel Dockery , david.toscano@davispolk.com , dbuchanan@seegerweiss.com , Dianne M Nast , Donald Ecklund , ebertran@armaslaw.com , emainigi@wc.com , Erich Schork , Fassih, Elizabeth S. , Feld, Jason Adam , Harmanis, Ryan , Harvey, Patrick A. , Hogg, Ian , Horan, Theresa Cederoth , James Cecchi , Janpaul Portal , Johan Conrod , Jonathan F. Neumann , Joseph H. Meltzer , Josh Podoll , jtortorella@khmarino.com , Karen Halbert , Katelyn O'Reilly , Kevin Cooper , Kiessling, Joseph J. , kpoteat@wc.com , Lauren Malakoff , Lawrence Deas , lding@wc.com , Levy, Lindsey , Liza Walsh , Mark Vazquez , Martin, Theresa C. , Matthew Gately , Mike Roberts , mpifko@baronbudd.com , myeates@ktmc.com , Neal Potischman , Optum Insulin Team , Patterson, Melissa L. , rouhandeh@davispolk.com , ryan.moorman@kirkland.com , sam.rose@kirkland.com , Scherr, Jason R. , sdaroci@seegerweiss.com , Sterling Cluff , Tanya Ellis , trafferty@levinlaw.com , Trey Watkins , tscrivo@oslaw.com , Vaky, Katherine A. , Walling, Kate , Watral, Diana M. , Young Yu

**Subject:** In re: Insulin Pricing Litigation, 2:23-md-03080 (D.N.J.)

Counsel:

Please see the attached letter from the PBM Defendants regarding the Compass Lexecon Subpoena.

Regards,

Pat

**Patrick A. Harvey**

**Morgan, Lewis & Bockius LLP**

1111 Pennsylvania Avenue, NW | Washington, DC 20004-2541

Direct: +1.202.373.6284 | Main: +1.202.739.3000 | Fax: +1.202.739.3001

patrick.harvey@morganlewis.com | [www.morganlewis.com](http://www.morganlewis.com)

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